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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DAVID A. PESCE,)
)
Defendant.)

CR No. 09-1193 MPH

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT FROM DECEMBER
21, 2009 TO JANUARY 25, 2010

On December 21, 2009, the parties in this case appeared before the Honorable Joseph C. Spero for an Initial Appearance on the Indictment. At that time, the parties stipulated that time should be excluded from the Speedy Trial Act calculation from December 21, 2009 to January 25, 2010 for effective preparation of defense counsel. The parties represented that granting the continuance was for the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed

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the best interests of the public and the defendants in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: 12/22/09

/s/
ACADIA SENESE
Special Assistant United States Attorney

DATED: 12/22/09

/s/
ELIZABETH FALK
Attorney for David A. Pesce

IT IS HEREBY ORDERED that time is excluded under the Speedy Trial Act from December 21, 2009 to January 25, 2010, under 18 U.S.C. § 3161(h)(8)(A) and 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS SO ORDERED.

DATED: 1/13/2010


THE HON. JUDGE JOSEPH C. SPERO
United States Magistrate Judge